GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

STARRED QUESTION NO:166
ANSWERED ON:28.11.2016
Traditional Community Rights of Tribals
Kamal Nath Shri ;Scindia Shri Jyotiraditya Madhavrao

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government has chalked out any mechanism to evaluate the community rights given to the forest dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the compensation paid to them before permitting projects on forest land and if so, the details thereof;

(b) the number of claims received and titles distributed under the Act during the last three years and the current year, yearwise and State/UT-wise;

(c) whether a number of forest dwellers are still deprived of the intended benefits available under the said Act and if so, the details thereof including the factors impeding the effective implementation of the Act;

(d) whether the tribal community is satisfied with the implementation of the Act and protection of their rights by the Government and if not, the details of the complaints received in this regard; and

(e) the remedial steps taken/proposed to be taken by the Government to implement the said Act effectively and to protect the rights of tribals across the country?

Answer

MINISTER OF TRIBAL AFFAIRS
(SHRI JUAL ORAM)

(a) to (e) A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No. 166 for answer on 28.11.2016 tabled by SHRI KAMAL NATH and SHRI JYOTIRADITYA M. SCINDIAregarding Traditional Community Rights of Tribals

(a) Section 4 (5) of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (in short FRA), provides that no member of a forest dwelling Scheduled Tribes or other traditional forest dweller shall be evicted or removed from forest land under his occupation till recognition and verification procedure is complete.
Section 5 (d) of FRA provides that holders of forest rights and Gram Sabhas are empowered to ensure that decisions to regulate access to community forest resources and stop any activity which adversely affects, are complied with.
Land Acquisition, Rehabilitation and Resettlement (LARR) Act, 2013 (Section 41) provides for entitlements of STs to various benefits in case of acquisition or alienation of any land.
Permission for projects on forest land for non forest purpose is given under Forest (Conservation) Act, 1980 by Ministry of Environment, Forest and Climate Change and not by Ministry of Tribal Affairs.

(b) Number of claims received and titles distributed (individuals and community) under FRA during last three years and the current year, yearwise and State/UT-wise is atAnnexure-1.

(c) Only those tribals and other traditional forest dwellers are entitled to receive forest rights who fulfill the eligibility criteria as stipulated in FRA. This Act aims at vesting forest rights to all eligible tribals and other traditional forest dwellers, which is an ongoing process. Upto 31.8.2016 a total of 42,09,403 (40,97,352 individual and 1,12,051 community) claims have been received against which 16,94,587(16,47,144 individual and 47,443 community) titles have been distributed. A total of 19,60,913 claims (individual and community) have been rejected.. A statement showing State/UT-wise details is at Annexure-1 which is already given in reply to part (b) of the question.

(d) Different states are at different stages of implementation of the Act. Representations are received from time to time regarding implementation of the Forest Rights Act, 2006. As the responsibility for implementing the provisions of the Forest Rights Act lies with the State Governments, these representations are referred to the respective State Government/UT Administrations for taking necessary action at their level. This Ministry constantly follows up with the concerned States/UTs and provides support by holding

consultations in different parts of the county and clarify doubts whenever required. A list of representations/complaints received and action taken by Ministry is at Annexure-II.

(e) The detailed information regarding steps taken for effective implementations of FRA is at Annexure-III.

Annexure-I

State Name	Upto 2013				Upto 2014			
	Claims Received		Titles Distributed		Claims Rejected	Claims Received		Titles Distributed		Claims Rejected
	Individual	Community	Individual	Community	Individual	Community	Individual	Community	Individual	Community
Andhra Pradesh	4,00,053	10,959	1,67,263	2,107	1,65,466	4,00,053	10,959	1,67,263	2,107	1,65,466
Assam	1,26,718	5,193	35,407	860	37,669	1,26,718	5,193	35,407	860	37,669
Bihar	2,930	#	28	#	1,644	2,930	#	28	#	1,644
Chhattisgarh	7,56,062	#	3,06,184	#	4,23,149	8,17,809	#	3,36,590	#	4,60,023
Gujarat	1,82,869	8,723	40,994	1,758	18,394	1,82,869	7,182	68,562	3,856	3,556
Himachal Pradesh	5,409	283	238	108	2,160	5,409	283	238	108	2,160
Jharkhand	42,003	#	15,296	#	16,958	42,003	#	15,296	#	16,958
Karnataka	1,78,846	2,922	6,519	94	1,59,080	2,56,104	4,575	7,604	96	1,73,539
Kerala	36,140	1,395	23,163	4	4,252	36,140	1,395	24,599	#	7,889
Madhya Pradesh	4,80,551	17,795	1,72,539	11,069	2,78,887	5,51,869	40,352	1,78,609	18,360	2,96,261
Maharashtra	3,41,085	5,145	1,01,426	2,371	2,33,720	3,43,469	6,074	1,45,752	#	2,73,345
Odisha	5,34,275	11,004	3,25,449	3,131	1,39,519	5,96,854	12,480	3,40,594	3,474	1,45,526
Rajasthan	69,122	647	33,980	60	33,410	69,123	652	34,082	65	33,515
Tamil Nadu	18,420	3,361	0	0	0	18,420	3,361	0	0	0
Tripura	1,82,340	277	1,20,418	55	21,384	1,82,340	277	1,20,418	55	21,384
Uttar Pradesh	91,298	1,135	16,891	814	73,028	92,512	1,123	17,654	834	74,583
Uttarakhand	182	#	#	#	1	182	#	#	#	1
West Bengal	1,29,454	7,824	29,744	108	79,891	1,37,068	3,241	34,165	#	0
TOTAL	35,77,757	76,663	13,95,539	22,539	16,88,612	38,61,872	97,147	15,26,861	29,815	17,13,519

Annexure referred to in reply to part (b) of the Lok Sabha Starred Question No. 166 for 28.11.2016 asked by Shri Kamal Nath and Shri Jyotiraditya M. Scindia regarding "Traditional Community Rights of Tribals"

The bifurcated data regarding Individual and Community Claims/Titles has not been received from the State/UT Governments.

State Name	Upto 2015				Upto Aug, 2016			
	Claims Received		Titles Distributed		Claims Rejected	Claims Received		Titles Distributed		Claims Rejected
	Individual	Community	Individual	Community	Individual	Community	Individual	Community	Individual	Community
Andhra Pradesh*	4,00,053	10,959	1,67,263	2,107	1,65,466	1,50,345	4,493	83,874	1,319	55,282
Assam	1,26,718	5,193	35,407	860	37,669	1,26,718	5,193	35,407	860	37,669
Bihar	8,022	#	222	#	4,102	8,022	#	222	#	4,102
Chhattisgarh	8,60,364	#	3,47,789	#	5,07,907	8,60,364	#	3,47,789	#	5,07,907
Gujarat	1,82,869	7,228	73,163	3,875	3,556	1,82,869	7,229	73,163	3,875	0
Himachal Pradesh	5,409	283	238	108	2,162	5,409	283	238	108	2,162
Jharkhand	80,819	2,734	41,691	1434	25,446	1,03,625	3,403	52,573	1,850	25,791
Karnataka	3,66,040	6,208	8,159	144	1,88,943	3,66,040	6,208	8,159	144	1,88,943
Kerala	36,140	1,395	24,599	#	7,889	36,140	1,395	24,599	#	7,889
Madhya Pradesh	5,68,588	40,913	1,95,048	21,909	3,72,125	5,74,795	42,156	2,06,960	27,252	3,74,718
Maharashtra	3,46,017	7,152	1,05,856	3,436	2,29,794	3,46,653	8,953	1,06,063	4,187	2,30,732
Odisha	6,03,271	12,866	3,49,400	5,004	1,49,575	6,17,049	13,403	3,86,588	5,384	1,52,939
Rajasthan	69,121	654	34,956	69	33,926	70,515	685	35,971	#	35,139
Tamil Nadu	18,420	3,361	0	0	0	18,420	3,361	0	0	0
Telangana*	2,11,698	3,672	99,486	744	1,01,368	2,11,973	3,769	99,486	761	99,377
Tripura	1,91,376	277	1,22,528	55	65,900	1,93,751	277	1,24,541	55	65,902
Uttar Pradesh	92,520	1,124	17,712	843	74,945	92,520	1,124	17,712	843	74,945
Uttarakhand	182	#	#	#	1	182	#	#	#	1
West Bengal	1,31,962	10,119	42,476	741	93,762	1,31,962	10,119	43,799	805	97,415
TOTAL	42,99,589	1,14,138	16,65,993	41,329	20,64,536	40,97,352	1,12,051	16,47,144	47,443	19,60,913

Annexure referred to in reply to part (b) of the Lok Sabha Starred Question No. 166 for 28.11.2016 asked by Shri Kamal Nath and Shri Jyotiraditya M. Scindia regarding "Traditional Community Rights of Tribals"

The bifurcated data regarding Individual and Community Claims/Titles has not been received from the State/UT Governments.
*Andhra Pradesh has been sending the figures for both Andhra Pradesh and Telangana combined till June, 2016, which they have corrected now.

Annexure-II

Annexure referred to in reply to part (d) of Lok Sabha Starred Question No. 166 for 28.11.2016 regarding "Traditional Community Rights of Tribals".

S.No. Name of the Complainant Name of concerned State Nature of Complaint Action Taken

1 Shri BasudebAcharia, M.P., Leader CPI Chhattisgarh Providing patta to the tribal population under FRA, 2006. Forwarded to State Govt. of Chhattisgarh for taking appropriate action

2 MS. Priya Pillai, Policy Advisor, Greenpeace India Madhya Pradesh Non-implementation of FRA in area proposed for diversion for coal mine. Forwarded to State Govt. of MP for taking appropriate action.

3 Dr. AnandMurai, Ex. Gen. Sec. JPCC & Patron Jharkhand Adivasi Mahasabha Jharkhand Charter of demands of tribal of Jharkhand State. State Government of Jharkhand is requested to take action.

4 Shri K.A. Gunasekaran, Tribal People Council, Tamil Nadu Tamil Nadu Non-implementation of FRA. State Government of Tamil Nadu is requested to take action.

5 Shri R.D. Negi, Kinnaur Van AdhikaarDharakKissanSangh Himachal Pradesh Encroachment of the forest land. State Government of HP requested to take action.

6 Shri Digvijay Singh, Gen. Secretary, AICC Madhya Pradesh Chhattisgarh Demarcation of forest land and revenue land in the state. State Government of MP and Chhattisgarh were requested to take necessary action.

7 Shri Ramesh Nandwana, Coordinator, JangalZameen Jan Andolan, Udaipur Rajasthan Related to irregularities in the implementation of FRA. State Govt. of Rajasthan is requested to take action

8 Shri Kishore Kumar Parichha, Vice President, OdhiaKendupatraKaramchariSangh, Odisha Odisha Non-implementation of FRA. State Govt. of Odisha requested to take action.

9 Shri Anil Garg, Madhya Pradesh Madhya Pradesh Non-implementation of FRA. MoEF and State Govt. of M.P. were requested to take action.

10 Ms. Archana Sivaramakrishnaan, Keystone Foundation Karnataka Reg. destroying the honey processing equipment by Range Forest Officer. State Govt. of Karnataka requested to take action.

11 Shri SudhirMungtiwar, President, BJP Maharashtra State Maharashtra Decision to seek the evidence in respect of the possession of forest land by ST in Maharashtra State State Govt. of Maharashtra is requested to take action.

12 Nikunj Garg, new Darpan Social Welfare Society, Bhopal Madhya Pradesh Wrongly stating of De-notified Forest Land which falls under the scope of FRA, 2006. State Govt. of Madhya Pradesh requested for appropriate action.

13 Sangmitra Dubey, Vasundhara, Bhubaneswar Odisha Plantation being carried out on forest land recognized under FRA State Govt. of Odisha requested for appropriate action.

14. Sh. Karam Ram, Vill. Sirsi, Post and Distt. Hazaribagh, Jharkhand Jharkhand For providing Patta of of 2.05 acres State Govt. of Jharkhand is requested for appropriate action.

15 Sh. Muktilal Ekka and others of vill. Kantapali, Distt. Sundargarh, Odisha Odihas Regarding rejection of claims under FRA State Govt. of Odisha requested for appropriate action.

16 Villagers of Village Gond Binapal, Distt. Kanker, Chhattisgarh Chhattisgarh Non taking decision on the community rights claims State Govt. of Chhattisgarh requested for appropriate action.

17 Villagers of Village Aturbeda, Distt. Kanker, Chhattisgarh Chhattisgarh Non taking decision on the community rights claims State Govt. of Chhattisgarh requested for appropriate action.

18 Villagers of village Peepala, Distt. Pali, Rajasthan Rajasthan Non taking decision on claims submitted under FRA State Govt. of Rajasthan requested for appropriate action.

19 71 representations of different villagers of RatlamDistt. of Madhya Pradesh Madhya Pradesh Regarding disposing off of long pending claims and objections under FRA State Govt. of Madhya Pradesh requested for appropriate action.

20 Villagers of Village Ishramtnada, Teh. andDistt. Khandava, M.P. Madhya Pradesh Rejection of claims under FRA by Block and Distt. Committee State Govt. of Madhya Pradesh requested for appropriate action.

21 Kamal Kumar, President Forest Right Committee, Karnarthu, VillageFatahar, Distt. Kangra, H.P. Himachal Pd. Non transfer of land for village development State Govt. of Himachal Pradesh requested for appropriate action.

22 Sh. Muktilal Ekka, Village Badgaon, Odisha Odisha Allotment of land under FRA State Govt. of Odisha requested for appropriate action.

23 Villagers of village KhorariTeh. Majhgaon, Distt. Satna, M.P. Madhya Pd. Non-disposing of FRA claims State Govt. of Madhya Pradesh requested for appropriate action.

24 President, Van Adhikar Samiti, Vill. Rajgarh, Distt. Sivani Madhya Pd. For disposing of individual FRA claims State Govt. of Madhya Pradesh requested for appropriate action.

25 Sh. PushpanjaliSatpathy, vill. Patrapalli, Distt. Jharsuguda, Odisha Odisha Non receipt of community right under FRA State Govt. of Odisha requested for appropriate action.

26 Sh. Umeshwar Singh, Coordinator, HasdeoArnayaBachaoSimiti, Distt. Korba, Chhattisgarh Chhattisgarh Regarding rejection of community claims of village Ghjatbari, Distt. Sarguja State Govt. of Chhattisgarh requested for appropriate action.

27 Sh. Ghathya, Vill. Sarai, Distt. Khandva, M.P. Madhya Pradesh Rejection of individual claims State Govt. of Madhya Pradesh requested for appropriate action.

28 Sh. Jedu Singh Netam, GondwanaMahasabha, Ditt. Balaghat, M.P. Madhya Pradesh Reg. approving the Divine Land as a community right. State Govt. of Madhya Pradesh requested for appropriate action.

29 65 applications from different villagers of RatlamDistt. of M.P. Madhya Pradesh Regarding disposing off of long pending claims and objections under FRA State Govt. of Madhya Pradesh requested for appropriate action.

Annexure-lll.

Annexure referred to in reply to part (e) of Lok Sabha Starred Question No.166 for 28.11.2016 regarding Traditional Community Rights of Tribals.

After lapse of more than four years of implementation of the Act the Ministry had observed that the flow of intended benefits of this welfare legislation to the eligible forest dwellers had remained constrained and that several problems were impeding the implementation of the Act in letter and spirit. In order to overcome those lacunae and strengthen the existing FR Rules, 2008, the Ministry notified the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 in the Gazette of India on 6.9.2012.

The Ministry has issued comprehensive guidelines to the State/UT Governments on 12.7.2012 for better implementation of the Act. The guidelines relate to the process of recognition of rights, minor forest produce, community rights, community forest resource rights, protection against eviction, diversion of forest lands and forced relocation, and awareness raising, monitoring and grievance redressal.

After issue of said amendments and said guidelines, a number of Regional Consultations/Workshops were organized Nation-wide on Implementation of FRA.

A training module was also published, which is useful for Government functionaries on FRA, for frontline staff in the implementation of the Act.

Further, a booklet of Frequently Asked Questions (FAQ) has also been brought out, which seeks to addresses some of the questions raised during the Regional Consultations related to the process of recognition of rights, evidence requirements, ownership over minor forest produce, rights over community forest resource, protection against eviction, definition of OTFDs, convening of Gram Sabha at hamlet/habitation level, recognition of habitat rights of PTGs etc. A Booklet of FAQ is enclosed.

Translation of Act, Rules and clarifications into local language through TRIs.

Guidelines on conservation of forest villages into revenue villages issued on 8.11.2013.

A letter dated 3.3.2014 was issued to all the States where the States were asked to issue the Records of Rights under FRA along with the name of caste/tribe so that in future people do not have difficulty in obtaining caste certificate and Rights holders under FRA have to be issued Records of Rights under Revenue code/law so as to mainstream them and treat them at par with other land holders.

States where there were high rates of rejection of claims, Ministry of Tribal Affairs have written several letters expressing concern over non acceptance of evidence and State Government's insistence of particular type of evidence such as satellite imagery etc. States have now started reviewing the rejected claims and many of the wrongly rejected claims are being examined.
Directions to State Governments to expedite recognition of Community Rights have been issued.

Close Monitoring through Monthly Progress Reports, visits and Video Conferencing are done.

In order to take up FRA on a campaign mode, the Ministry of Tribal Affairs has taken following steps:

â€¢ Ministry of Tribal Affairs has written to the Chief Secretaries of the State Governments where the FRA implementation progress is low. Ministry has also drawn up a suggestive road map and shared it with the States so that they can draw up action plan in a time bound manner.

â€¢ Ministry has also written to the other States where implementation is going on well to address certain specific issues pending in those States.

â€¢ Joint review meetings with Ministry of Home Affairs and Ministry of Tribal Affairs were undertaken with Principal Secretaries/Secretaries of States of the 35 worst affected LWE district on FRA implementation. The issue of high rate of rejection was reviewed with them and the States were directed to review the wrongly rejected claims.

â€¢ A consultation was organized under the chairmanship of Secretary Tribal Affairs where the nine low performing states participated to take up FRA on a campaign mode and implement the Act in a time bound manner.

â€¢ A video conference was organized with other States where some steps have been taken on implementation to expedite the pending work.

â€¢ All the State have been advised to take support of geo referenced images and technology to support other evidences for claims and also for re-examination of reject claims.

â€¢ The Ministry is constantly monitoring the progress of implementation by the States and is persistently writing to the State Governments giving clarifications and suggestions for better implementation of the Act.

â€¢ National Resource Centre at TRI Campus, Odisha has been set up by the Ministry of Tribal Affairs to augment capacity of States for effective implementation of Forest Right Act. National Resource Centre has been entrusted with the job of preparing training materials, modules and conduct training programmes to train master trainers on FRA not only for Odisha but also for other States who are implementing FRA.

â€¢ Sufficient guidance has already been given to the States from time to time on various issues on FRA by holding as many Regional Consultations including two National Level Consultations.

****